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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,461	08/15/2003	Tsuyoshi Toda	16869N-089700US	2149
20350	7590	07/13/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			CHU, KIM KWOK	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/642,461	TODA ET AL.	
	Examiner	Art Unit	
	Kim-Kwok CHU	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 8/15/2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a
printed publication in this or a foreign country
or in public use or on sale in this country, more
than one year prior to the date of application for
patent in the United States.*

2. Claims 1-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kimura et al. (U.S. Patent 5,815,477).

Kimura teaches an information recording and reproducing apparatus having all the elements and means as recited in claims 1-3. For example, Kimura teaches the following:

(a) as in claim 1, the information recording and reproducing apparatus which irradiates an information recording medium 1, 2 with oscillated laser light to form a recorded region in a recording area on the information recording medium (Fig. 2);

(b) as in claim 1, the recorded region being physically different from the region where information has not been recorded, so that information can be recorded onto the information recording medium and reproduced or erased therefrom (Fig. 11A; recording bit is formed by heating power);

(c) as in claim 1, means 16 for detecting amplitude information from a reproduced signal (Fig. 2; column 5, lines 32 and 33);

(d) as in claim 1, means 17, 19 for converting the detected signal to a digital signal (Fig. 2; A/D converters are included in means 17 and 19; column 5, lines 38-40);

(e) as in claim 1, means 18 for calculating on the digital signal obtained (Figs. 2, 4-6);

(f) as in claim 1, the recording power for information recording and reproducing is adapted by using the recording condition recorded on the recording medium as amplitude information PL, PH1, PH2, and the change ratio of the amplitude to the recording power (Figs. 4-6; column 6, lines 20-22; the change ratio remains constant);

(g) as in claim 2, the recording condition is adapted for a linear recording velocity by reading from the recording medium the recording condition recorded on the recording medium as amplitude information and the change ratio of the amplitude to the recording power (Figs. 2 and 9; test pattern read under certain liner recording velocities based on different radius);

(h) as in claim 2, calculating a recording condition appropriate for the linear recording velocity by using amplitude information associated with at least two linear

recording velocities and the change ratio of the amplitude to the recording power; and setting the recording power accordingly for information recording and reproducing at the linear recording velocity (Figs. 2 and 9; obtaining recording power PH1, PH2 under different linear velocities based on radius);

(i) as in claim 3, the recording condition (test pattern) is adapted by reading from the recording medium the recording condition recorded on the recording medium as amplitude information and the change ratio of the amplitude to the recording power (Figs. 4-6);

(j) as in claim 3, before recording information, checking the change ratio of the amplitude to the recording power, which is specific to the information recording and reproducing apparatus concerned (Figs. 4-6 and 9; obtaining optimum recording power); and

(k) as in claim 3, adapting the recording power for information recording and reproducing by using the change ratio of the amplitude to the recording power, which is specific to the information recording and reproducing apparatus concerned (Figs. 4-6).

3. Claim 4 has limitations similar to those treated in the above rejections of claims 1-3, and is met by the references as discussed above.

4. Claim 5 has limitations similar to those treated in the above rejections of claims 1-3, and is met by the references as discussed above. Claim 5 however also recites the following limitation which is also taught by the prior art of Kimura:

(a) as in claim 5, recording condition and information about the change ratio are previous recorded (Fig. 4, step S1; test pattern contains previous recording condition and recording powers).

5. Claim 6 has limitations similar to those treated in the above rejections of claims 1-3, and is met by the references as discussed above. Claim 5 however also recites the following limitation which is also taught by the prior art of Kimura:

(a) as in claim 6, recording condition and information about the change ratio are previous recorded (Fig. 4, step S1; test pattern contains previous recording condition and recording powers at different radius).

6. Claim 7 has limitations similar to those treated in the above rejections of claims 1-3, and is met by the references as discussed above. Claim 5 however also recites the following limitation which is also taught by the prior art of Kimura:

(a) as in claim 7, recording condition and information about the change ratio are previous recorded (Fig. 4, step S1; test pattern contains previous recording condition and recording powers at different radius).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saga (6,678,220) is pertinent because Saga teaches a method of determining the recording energy.

Sasaki et al. (6,339,578) is pertinent because Sasaki teaches a method of determining the recording energy.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch, can be reached on (57) 272-7589.

The fax number is:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

Kim-Kwok CHU

lc 7/7/06

Examiner AU2627
July 7, 2006

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